UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/729,862	12/05/2003	Todd D. Wakefield	03760.024/5141 P	8496

			EXAMINER
7590	05/24/2006		PANNALA, SATHYANARAYA R

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ART UNIT	PAPER NUMBER
2164	

DATE MAILED: 05/24/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

	Application No.	Applicant(s)
Office Action Summary	10/729,862	WAKEFIELD ET AL.
	Examiner	**Art Unit**	
	Sathyanarayan Pannala	2164	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>05 December 2003</u>.

2a)☐ This action is **FINAL.**   2b)☒ This action is non-final..

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213. .

Disposition of Claims

4)☒ Claim(s) *1-16* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-16* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☒ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
    Paper No(s)/Mail Date <u>1/7/05 & 3/8/04</u>.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____ .

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: _____ .

DETAILED ACTION

1.   Application No. 10/729862 filed on 12/5/2003 has been examined. In this Office

Action, claims 1-16 are pending.

Priority

2.   Applicant is claiming the benefit of priority under 35 U.S.C. 119(e) since a U.S.

Provisional Application No. 60/431,316 is filed on 12/6/2002. So, the examiner honors

the priority as per statutory law.

Information Disclosure Statement

3.   The information disclosure statement (IDS) submitted on 3/8/2004 and 1/7/2005

are in compliance with the provisions of 37 CFR 1.97 and have been considered by the

examiner.

Specification

4.   Summary of the invention is objected because it is same as the Abstract. A brief

summary or general statement of the invention as set forth in 37 CFR 1.73. The

summary is separate and distinct from the abstract and is directed toward the invention

rather than the disclosure as a whole. The summary may point out the advantages of

the invention or how it solves problems previously existent in the prior art (and

preferably indicated in the Background of the Invention). In chemical cases it should

point out in general terms the utility of the invention. If possible, the nature and gist of

the invention or the inventive concept should be set forth. Objects of the invention

should be treated briefly and only to the extent that they contribute to an understanding

of the invention.

Double Patenting

5.   The nonstatutory double patenting rejection is based on a judicially created

doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the

unjustified or improper timewise extension of the "right to exclude" granted by a patent

and to prevent possible harassment by multiple assignees. See *In re Goodman*, 11

F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225

USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA

1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and, *In re Thorington*,

418 F.2d 528, 163 USPQ 644 (CCPA 1969).

6.   A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) may be

used to overcome an actual or provisional rejection based on a nonstatutory double

patenting ground provided the conflicting application or patent is shown to be commonly

owned with this application. See 37 CFR 1.130(b).

Effective January 1, 1994, a registered attorney or agent of record may sign a

terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with

37 CFR 3.73(b).

7.   Claims 1-16 are rejected under the judicially created doctrine of provisional-type

double patenting as being unpatentable over claims 1-32 of USPA Pub. 2004/0167886

A1 (Wakefield et al.). Although the conflicting claims are not identical, they are not

patentably distinct from each other because it is well settled that omission of elements

and their functioning is obvious expedient if the remaining elements perform the same

function as before. See In re Karlson 136 USPQ 184 (CCPA 1963).

8.   The following table shows the claims in the application 10/729862 that are

rejected by the corresponding claims in the USPA Publication.

Claims Comparison Table	
10/729862	USPA Pub. No. 2004/0167886 A1
1	1
2	2
3	3
4	4
5	5
6	6
7	7
8	8
9	9
10	11
11	12
12	13
13	14
14	15
15	16
16	17

9.   Claims 1-16 are provisionally rejected under 35 U.S.C. 101 as claiming the same

invention as that of claims 1-32 of copending Application No. 10/7299878 (or USPA

Pub. No. 2004/0167886 A1). This is a <u>provisional</u> double patenting rejection since the

conflicting claims have not in fact been patented.

Claim Rejections - 35 USC § 101

10.   35 U.S.C. § 101 reads as follows:

> Whoever invents or discovers any new and useful process, machine, manufacture, or composition of
>
> matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the
>
> conditions and requirements of this title.

11.   Claims 1-16 are rejected under 35 U.S.C. § 101, because none of the claims are

directed to statutory subject matter. Independent claim 1 deals with simple

mathematical abstract idea. A claim that recites a computer that solely calculates a

mathematical formula or a computer disk that solely stores a mathematical formula is

not directed to the type of statutory subject matter eligible for patent protection. The

claims are not producing useful, concrete and tangible results. See Diehr, 450 U.S. at

186 and Gottschalk v. Benson, 409 U.S. 63, 71-72 (1972).

Claim Rejections - 35 USC § 103

12.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
>
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
>
> the prior art are such that the subject matter as a whole would have been obvious at the time the
>
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
>
> Patentability shall not be negatived by the manner in which the invention was made.

> This application currently names joint inventors. In considering patentability of the claims
>
> under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was
>
> commonly owned at the time any inventions covered therein were made absent any evidence to the
>
> contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and
>
> invention dates of each claim that was not commonly owned at the time a later invention was made in
>
> order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e),
>
> (f) or (g) prior art under 35 U.S.C. 103(a).

13.   Claims 1-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Lemus (USPA Pub 2002/0156817A1) hereinafter Lemus, and in view of Friedman (US

Patent 6,182,029) hereinafter Friedman.

14.   As per independent claim 1, Lemus teaches a system and method for receiving

information in semi-structured or unstructured form from emails, pagers, and other

communication methods, and converting that information into a structured form that can

be usable in a database (page 1, paragraph [0013]). Lemus teaches the claimed,

accessing a source of unstructured data, the unstructured data including free text

(Fig. 2, page 3, paragraph [0061]). Lemus teaches the claimed, identifying text records

within the free text (Fig. 2, page 3, paragraph [0061]). Lemus teaches the claimed,

producing a structured data element containing the filtered set of extractions (Fig. 2,

page 3, paragraph [0063]).

Lemus does not explicitly teach using a parser. However, Friedman teaches the

claimed, parsing the identified text records (Fig.1, col. 6, lines 46). Friedman teaches

the claimed, identifying roles within the parsed text records, said identifying producing

attribute extractions, each of said attribute extractions containing attribute information of

the derived source text (Fig. 1, col. 6, lines 46-56). Friedman teaches the claimed,

applying case frames to the attribute extractions, said applying case frames producing a

filtered set of attribute extractions (Fig. 1, col. 6, lines 57-62).

Thus, it would have been obvious to one of ordinary skill in the data processing

art at the time of the invention, to have combined the teachings of the cited references

because Friedman's teachings would have allowed Lemus' method to provide a natural

language processing techniques that provide structured data output that can be used for

a variety of different applications across a variety of different computing platforms

(col. 4, lines 40-43).

15.   As per dependent claim 2, Lemus teaches the claimed, the step of identifying

domains of the filtered set of attribute extractions (Fig. 2, page 4, paragraph [0065]).

16.   As per dependent claim 3, Lemus teaches the claimed, the step of assigning

domain roles (Fig. 2, page 4, paragraph [0066]).

17.   As per dependent claim 4, Lemus teaches the claimed, the step of producing

relation types (Fig. 2, page 4, paragraph [0073]).

18.   As per dependent to claim 5, Lemus teaches the claimed, the step of coalescing

the produced relation types (Fig. 2, page 4, paragraph [0073]).

19.   As per dependent claim 6, Lemus teaches the claimed, the step of creating a

new database containing the structured data element produced in said producing

(Fig. 2, page 4, paragraph [0074]).

20.   As per dependent claim 7, Lemus teaches the claimed, the step of producing a

new relational database containing the structured data element produced in said

producing a structured data element (Fig. 2, page 4, paragraph [0074]).

21.   As per dependent claim 8, Lemus teaches the claimed, the step of producing a

file containing the structured data element produced in said producing a structured data

element (Fig. 2, page 4, paragraph [0074]).

22.   As per dependent claim 9, Friedman teaches the claimed, the step of producing

a file having a format containing the structured data element selected from the group of

XML, character separated values, spreadsheet formats and file-based database

structures (Fig. 4, col. 12, lines 5-11). Thus, it would have been obvious to one of

ordinary skill in the data processing art at the time of the invention, to have combined

the teachings of the cited references because Friedman's teachings would have allowed

Lemus' method to provide a natural language processing techniques that provide

structured data output that can be used for a variety of different applications across a

variety of different computing platforms (col. 4, lines 40-43).

23.   As per dependent claim 10, Lemus teaches the claimed, the structured data

element produced by the performance of said producing includes reference information

to the original free text for construed data (Fig. 2, page 2, paragraph [0016] and page 4,

paragraph [0074]).

24.   As per dependent claim 11, Lemus teaches the claimed, the step of constructing

a library containing extracted attributes (Fig. 2, page 4, paragraph [0073]).

25.   As per dependent claim 12, Lemus teaches the claimed, the step of constructing

a library containing extracted relational facts (Fig. 2, page 4, paragraph [0078-79]).

26.   As per dependent claim 13, Lemus teaches the claimed, the step of combining ·

like relation types (Fig. 2, page 4, paragraph [0073]).

27.   As per dependent claim 14, Lemus teaches the claimed, the step of combining

like attributes (Fig. 2, page 4, paragraph [0076]).

28.   As per dependent claim 15, Lemus teaches the claimed, the step of coalescing

the identified attributes (Fig. 2, page 4, paragraph [0078-79]):

29.   As per dependent claim 16, Lemus teaches the claimed, the step of coalescing

identified relation types (Fig. 2, page 4, paragraph [0078-79]).
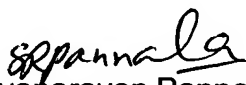
Conclusion

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Sathyanarayan Pannala whose telephone number is

(571) 272-4115. The examiner can normally be reached on 8:00 am - 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Charles Rones can be reached on (571) 272-4085. The fax phone number

for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see http://pair-direct.uspto.gov. Should

you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free).

Sathyanarayan Pannala
Examiner
Art Unit 2164

srp
May 12, 2006